



Report Identification Number: NY-17-099

Prepared by: New York City Regional Office

Issue Date: Apr 04, 2018

This report, prepared pursuant to section 20(5) of the Social Services Law (SSL), concerns:

- A report made to the New York Statewide Central Register of Child Abuse and Maltreatment (SCR) involving the death of a child.
- The death of a child for whom child protective services has an open case.
- The death of a child whose care and custody or custody and guardianship has been transferred to an authorized agency.
- The death of a child for whom the local department of social services has an open preventive service case.

The Office of Children and Family Services (OCFS) is mandated by section 20 of the SSL to investigate or cause for the investigation of the cause and circumstances surrounding the death, review such investigation, and prepare and issue a fatality report in regard to the categories of deaths noted above involving a child, except where a local or regional fatality review team issues a report, as authorized by law.

Such report must include: the cause of death; the identification of child protective or other services provided or actions taken regard to such child and child’s family; any extraordinary or pertinent information concerning the circumstances of the child’s death; whether the child or the child’s family received assistance, care or services from the social services district prior to the child’s death; any action or further investigation undertaken by OCFS or the social services district since the child’s death; and as appropriate, recommendations for local or state administrative or policy changes.

This report contains no information that would identify the deceased child, his or her siblings, the parent, parents, or other persons legally responsible for the child, and any members of the deceased child’s household.

By statute, this report will be forwarded to the social services district, chief county executive officer, chairperson of the local legislative body of the county where the child died and the social services district that had legal custody of the child, if different. Notice of the issuance of this report will be sent to the Speaker of the Assembly and the Temporary President of the Senate of the State of New York.

This report may **only** be disclosed to the public by OCFS pursuant to section 20(5) of the SSL. **It may be released by OCFS only after OCFS has determined that such disclosure is not contrary to the best interests of the deceased child’s siblings or other children in the household.**

OCFS’ review included an examination of actions taken by individual caseworkers and supervisors within the social services district and agencies under contract with the social services district. The observations and recommendations contained in this report reflect OCFS’ assessment and the performance of these agencies.



Abbreviations

Relationships		
BM-Biological Mother	SM-Subject Mother	SC-Subject Child
BF-Biological Father	SF-Subject Father	OC-Other Child
MGM-Maternal Grand Mother	MGF-Maternal Grand Father	FF-Foster Father
PGM-Paternal Grand Mother	PGF-Paternal Grand Father	DCP-Day Care Provider
MGGM-Maternal Great Grand Mother	MGGF-Maternal Great Grand Father	PGGF-Paternal Great Grand Father
PGGM-Paternal Great Grand Mother	MA/MU-Maternal Aunt/Maternal Uncle	PA/PU-Paternal Aunt/Paternal Uncle
FM-Foster Mother	SS-Surviving Sibling	PS-Parent Sub
CH/CHN-Child/Children	OA-Other Adult	
Contacts		
LE-Law Enforcement	CW-Case Worker	CP-Case Planner
Dr.-Doctor	ME-Medical Examiner	EMS-Emergency Medical Services
DC-Day Care	FD-Fire Department	BM-Biological Mother
CPS-Child Protective Services		
Allegations		
FX-Fractures	II-Internal Injuries	L/B/W-Lacerations/Bruises/Welts
S/D/S-Swelling/Dislocation/Sprains	C/T/S-Choking/Twisting/Shaking	B/S-Burns/Scalding
P/Nx-Poisoning/ Noxious Substance	XCP-Excessive Corporal Punishment	PD/AM-Parent's Drug Alcohol Misuse
CD/A-Child's Drug/Alcohol Use	LMC-Lack of Medical Care	EdN-Educational Neglect
EN-Emotional Neglect	SA-Sexual Abuse	M/FTTH-Malnutrition/Failure-to-thrive
IF/C/S-Inadequate Food/ Clothing/ Shelter	IG-Inadequate Guardianship	LS-Lack of Supervision
Ab-Abandonment	OTH/COI-Other	
Miscellaneous		
IND-Indicated	UNF-Unfounded	SO-Sexual Offender
Sub-Substantiated	Unsub-Unsubstantiated	DV-Domestic Violence
LDSS-Local Department of Social Service	ACS-Administration for Children's Services	NYPD-New York City Police Department
PPRS-Purchased Preventive Rehabilitative Services	TANF-Temporary Assistance to Needy Families	FC-Foster Care
MH-Mental Health	ER-Emergency Room	COS-Court Ordered Services
OP-Order of Protection	RAP-Risk Assessment Profile	FASP-Family Assessment Plan
FAR-Family Assessment Response	Hx-History	Tx-Treatment
CAC-Child Advocacy Center	PIP-Program Improvement Plan	yo- year(s) old
CPR-Cardiopulmonary Resuscitation		



Case Information

Report Type: Child Deceased
Age: 1 year(s)

Jurisdiction: Kings
Gender: Female

Date of Death: 10/03/2017
Initial Date OCFS Notified: 10/03/2017

Presenting Information

On 9/28/17, the 1-year-old SC sustained two bruises on her head and a skull fracture. She was in the care of her PS and SF at the time of her injuries. The SC was taken to the hospital where she was placed on life support. On 10/3/2017, the hospital staff pronounced the SC dead. She exhibited multiple unexplained neurological injuries, including non-acute subdural hemorrhages, retinal hemorrhages and neurological damage, suggesting she did not have oxygen for an unspecified amount of time. The explanation provided by her caretakers was inconsistent with the SC's injuries. The SC's injuries were suspicious in nature.

Executive Summary

This one-year-old female child died on 10/3/17. The autopsy report has not yet been received.

The SCR registered a report with allegations of DOA/Fatality, II, and IG of the one year old child by the child's father and the step mother. According to the narrative, the child exhibited multiple unexplained neurological injuries, including non-acute subdural hemorrhages, retinal hemorrhages, and neurological damage suggesting the child went without oxygen for a period of time. The child has no other injuries. The child was in the care of the stepmother and father at the time of the injuries. The explanation provided by adults for the child's injuries was inconsistent with the injuries.

ACS initiated the investigation of the report in a timely manner and reviewed the prior history of the family's Child Welfare involvement. The history reflected 12 intake reports prior to the fatality report on 10/3/17. Nine reports were indicated and two were merged with other reports. One report from 2008 was unfounded. The history also reflected that the mother had one child who was placed in foster care prior to the birth of the SC in the fatality report; that child remains in kinship care. Additionally, on 2/23/16, ACS sought a remand of the SC; however, the Court released the SC to the father over ACS's objections. ACS had objected based on the father's history of drug use and the conditions of the home where the SC would reside; the home did not have proper lighting, had excessive clutter, chipped and peeling paint, broken ceiling directly over the SC's playpen. The Court issued a Short Order releasing the child to the father with ACS supervision.

ACS also made a number of collateral contacts with LE, medical professionals and service providers. The case notes revealed the SC suffered a fatal brain injury while in the care of her SF and PS. The caretakers' explanation as to how the SC sustained the injury was not plausible based on the severity of the injury.

The SF had reported that approximately eleven days prior, the SC fell from a playground slide. The SF did not seek medical attention for the SC at the time. The next day, the SF took the SC to the hospital because she was touching her head. The SC was treated and released; however, the hospital staff were concerned that the SF did not seek immediate medical attention for the SC. The documentation in the Family Services stage reflected during this time period (eleven days prior to the child being hospitalized) the father and the stepmother had an altercation in the home which resulted in the father reporting they were planning on separating. The father did not provide any details regarding the incident and the agency staff did not probe any further to obtain any details regarding the reason for the altercation.

On 9/29/17, the SF brought the SC to a nearby hospital after she collapsed while out in the community. The hospital conducted a CT-Scan on the SC which revealed a skull fracture and two bruises on the front of her head. The SF's explanation for the SC's injuries was that the SC fell from her crib on 9/28/17. Again, the SF did not seek medical



attention for the SC. The SC was intubated at the hospital and then transferred to another hospital, and subsequently transferred to a specialized children's hospital for a higher level of care where she was diagnosed with diffuse hypoxic ischemic injury and failure to thrive. She was put on a ventilator due to lack of oxygen to her brain. On 10/3/17, the medical staff unplugged the ventilator and at 4:51 P.M., declared the SC dead. The ME's report was pending at the time of writing this report.

The BM and the SF were the biological parents of the SC and the six-month-old surviving sibling (SS). The SF resided in a shelter with the SC and the SS due to a neglect petition filed in family court against the BM for drug use. The BM had supervised visits with these children. The PS was the bio-mother of the seventeen, eleven and nine-year-old children. The PS and her three children also resided with the SF.

ACS removed all the children in the home and placed them in the care of the Commissioner of ACS. The SS, eleven-year-old, and nine-year-old children were placed in non-kinship foster homes. The seventeen-year-old child, who had a physical disability, was taken to the Children's Center (CC) to await suitable placement.

During the investigation, the SCR registered a report alleging physical abuse of the nine-year-old child by his foster parents. The child and his brother were replaced in a different non-kinship foster home.

Also during the investigation, ACS made diligent efforts to consider the relatives as suitable resource for the children; however, the resources suggested by the family were not viable.

At the time of writing this report, ACS had not determined the CPS investigation. ACS and the LE and were awaiting the ME's report. The SS and the two stepbrothers continued to be in foster care. The seventeen-year-old child remained at the CC and had enrolled in school. The SF and the PS had refused any contact with ACS unless approved by their attorney. ACS offered the parents referrals for bereavement counseling but they declined. The family's case remained open for services that were in place prior to the fatality.

Findings Related to the CPS Investigation of the Fatality

Safety Assessment:

- **Was sufficient information gathered to make the decision recorded on the:**
 - **Safety assessment due at the time of determination?** N/A

Determination:

- **Was sufficient information gathered to make determination(s) for all allegations as well as any others identified in the course of the investigation?** The CPS report had not yet been determined at the time this Fatality report was issued.
- **Was the determination made by the district to unfound or indicate appropriate?** N/A

Was the decision to close the case appropriate? N/A

Was casework activity commensurate with appropriate and relevant statutory or regulatory requirements? Yes

Was there sufficient documentation of supervisory consultation? Yes, the case record has detail of the consultation.

**Explain:**

The family's case remained open in the FSS stage for continued monitoring with FSU and the foster care agency.

Required Actions Related to the Fatality

Are there Required Actions related to the compliance issue(s)? Yes No

Fatality-Related Information and Investigative Activities**Incident Information**

Date of Death: 10/03/2017

Time of Death: 04:51 PM

Date of fatal incident, if different than date of death:

09/29/2017

Time of fatal incident, if different than time of death:

Unknown

County where fatality incident occurred:

Kings

Was 911 or local emergency number called?

No

Did EMS respond to the scene?

No

At time of incident leading to death, had child used alcohol or drugs?

No

Child's activity at time of incident:

Sleeping

Working

Driving / Vehicle occupant

Playing

Eating

Unknown

Other

Did child have supervision at time of incident leading to death? Unable to determine

Total number of deaths at incident event:

Children ages 0-18: 1

Adults: 0

Household Composition at time of Fatality

Household	Relationship	Role	Gender	Age
Deceased Child's Household	Deceased Child	Alleged Victim	Female	1 Year(s)
Deceased Child's Household	Father	Alleged Perpetrator	Male	34 Year(s)
Deceased Child's Household	Other Child - Stepmother's child	No Role	Male	17 Year(s)
Deceased Child's Household	Other Child - Stepmother's child	No Role	Male	9 Year(s)
Deceased Child's Household	Other Child - Stepmother's child	No Role	Male	11 Year(s)
Deceased Child's Household	Sibling	No Role	Male	5 Month(s)
Deceased Child's Household	Stepmother	Alleged Perpetrator	Female	34 Year(s)
Other Household 1	Mother	No Role	Female	27 Year(s)



LDSS Response

On 9/29/17 and 10/2/17 ACS received information regarding the child's hospitalization on 9/29/17. ACS was in the process of investigating the allegations of those reports when the SCR registered information regarding the child's death.

Upon receipt of the report, ACS contacted law enforcement and learned the child was pronounced dead at 4:51 PM on 10/3/17. ACS also contacted hospital staff who stated that based on the immediate findings, the SC's cause of death could not be determined; however, the SF's explanation was not consistent with the SC's injuries. The hospital deferred to the ME to determine the SC's cause of death. Hospital staff also indicated the child was "petite and malnourished."

On 10/3/17, ACS sought a remand in Family Court for all the children. The Family Court granted ACS' request. The SS and the eleven and nine-year-old children were placed in non-kinship foster homes. The older child was taken to the Children's Center (CC) awaiting suitable placement.

Also on 10/3/17, ACS documented the family was interviewed on 9/29/17. The SF and the PS repeated the account of how the SC fell from the crib in the family's shelter unit. Follow up regarding this information reflected no one heard any sounds from the family's shelter unit and the adults did not report any incident to the shelter staff. The children reported that they were sleeping at the time and were not aware the SC fell. The children and the PS were not present when the SC allegedly fell in the park.

On 10/3/17 and 10/5/17, the family's service providers did not report any concerns for the family. The SF had been compliant with services and the family's case was in the process of being closed due to all goals being met. There were no safety concerns at the shelter unit where the family resided; however, it was noted that both parents always needed prompting to schedule school and medical appointments for the children.

On 10/5/17, ACS held a child safety conference (CSC). The attendees at the CSC agreed for the children to remain on remand status. Consequently, ACS filed an abuse petition in Family Court on 10/6/17. The Family Court granted the children to remain on remand. The parents were offered referrals for bereavement counseling and they declined. They stated they planned to receive bereavement counseling on their own. The SF disclosed that his attorney had advised him not to discuss the current report any further with ACS.

Also on 10/5/17, the BM's service provider reported the BM completed a substance abuse program and had been compliant with all treatment. She participated in DV services and parenting classes. The BM also received aftercare services in the Family Center where she received housing support.

On 10/12/17, the ME reported that the autopsy results were pending.

On 10/16/17, the staff at the eleven and nine-year-old children's school did not report any behavior/academic concerns for the children.

On 10/25/17, ACS documented the SCR registered a report alleging physical abuse of the nine-year-old child by the foster parents. The child and his brother were replaced in a different non-kinship foster home on that same day.

On 10/31/17 and 11/1/17, the LE did not provide any update regarding the criminal investigation. The LE staff stated that pending the final autopsy, a criminal complaint could not be filed.

On 11/2/17, the BM reported she started therapy at the Family Center on 10/27/17, but she did not disclose what services she was engaged in. She also reported being drug tested at the foster care agency.

At the time of writing this report, ACS had not determined the CPS investigation. ACS and the LE and were awaiting the



ME's report.

During the investigation, ACS made diligent efforts to consider the relatives as suitable resource for the family's children; however, the family could not come up with viable familial resources for the children. The BF of the nine and eleven-year-old children reported that he had an active custody petition for his sons and was willing to be a resource for the seventeen-year-old child; however, he did not have a place of his own. He resided out of New York State and was living with relatives at the time.

The report has not been determined.

Official Manner and Cause of Death

Official Manner: Pending

Primary Cause of Death: Undetermined if injury or medical cause

Person Declaring Official Manner and Cause of Death: Medical Examiner

Multidisciplinary Investigation/Review

Was the fatality investigation conducted by a Multidisciplinary Team (MDT)? Yes

Was the fatality reviewed by an OCFS approved Child Fatality Review Team? No

Comments: There is no OCFS approved CFRT in the New York City region.

SCR Fatality Report Summary

Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Allegation Outcome
044360 - Deceased Child, Female, 1 Yrs	044361 - Father, Male, 34 Year(s)	Internal Injuries	Pending
044360 - Deceased Child, Female, 1 Yrs	044361 - Father, Male, 34 Year(s)	Inadequate Guardianship	Pending
044360 - Deceased Child, Female, 1 Yrs	044362 - Stepmother, Female, 34 Year(s)	Internal Injuries	Pending
044360 - Deceased Child, Female, 1 Yrs	044362 - Stepmother, Female, 34 Year(s)	DOA / Fatality	Pending
044360 - Deceased Child, Female, 1 Yrs	044362 - Stepmother, Female, 34 Year(s)	Inadequate Guardianship	Pending
044360 - Deceased Child, Female, 1 Yrs	044361 - Father, Male, 34 Year(s)	DOA / Fatality	Pending

CPS Fatality Casework/Investigative Activities

	Yes	No	N/A	Unable to Determine
All children observed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
When appropriate, children were interviewed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Alleged subject(s) interviewed face-to-face?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



All 'other persons named' interviewed face-to-face?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Contact with source?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
All appropriate Collaterals contacted?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was a death-scene investigation performed?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there discussion with all parties (youth, other household members, and staff) who were present that day (if nonverbal, observation and comments in case notes)?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Coordination of investigation with law enforcement?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there timely entry of progress notes and other required documentation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Fatality Safety Assessment Activities

	Yes	No	N/A	Unable to Determine
Were there any surviving siblings or other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate safety assessment of impending or immediate danger to surviving siblings/other children in the household named in the report:				
Within 24 hours?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 7 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
At 30 days?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an approved Initial Safety Assessment for all surviving siblings/ other children in the household within 24 hours?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Are there any safety issues that need to be referred back to the local district?	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

When safety factors were present that placed the surviving siblings/other children in the household in impending or immediate danger of serious harm, were the safety interventions, including parent/caretaker actions adequate?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	-------------------------------------	--------------------------	--------------------------	--------------------------

Fatality Risk Assessment / Risk Assessment Profile

	Yes	No	N/A	Unable to Determine
Was the risk assessment/RAP adequate in this case?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
During the course of the investigation, was sufficient information gathered to assess risk to all surviving siblings/other children in the household?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there an adequate assessment of the family's need for services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Did the protective factors in this case require the LDSS to file a petition in Family Court at any time during or after the investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>



Were appropriate/needed services offered in this case	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
---	-------------------------------------	--------------------------	--------------------------	--------------------------

Placement Activities in Response to the Fatality Investigation

	Yes	No	N/A	Unable to Determine
Did the safety factors in the case show the need for the surviving siblings/other children in the household be removed or placed in foster care at any time during this fatality investigation?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were there surviving children in the household that were removed either as a result of this fatality report / investigation or for reasons unrelated to this fatality?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
If Yes, court ordered?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Explain as necessary: On 10/3/17, ACS sought a remand at Kings County Family Court for all the children. The Family Court granted ACS' request and the children in the home were removed.				

Legal Activity Related to the Fatality

Was there legal activity as a result of the fatality investigation?

- Family Court
 Criminal Court
 Order of Protection

Family Court Petition Type: FCA Article 10 - CPS

Date Filed:	Fact Finding Description:	Disposition Description:
10/03/2017	There was not a fact finding	There was not a disposition
Respondent:	044361 Father Male 34 Year(s)	
Comments:	On 10/3/17, ACS sought a remand at Kings County Family Court for all the children. The Family Court granted ACS's request and the children in the home were removed. The children's step-mother was also added to the petition.	

Have any Orders of Protection been issued? No

Services Provided to the Family in Response to the Fatality

Services	Provided After Death	Offered, but Refused	Offered, Unknown if Used	Not Offered	Needed but Unavailable	N/A	CDR Lead to Referral
Bereavement counseling	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Economic support	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funeral arrangements	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Housing assistance	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>



Child Fatality Report

Mental health services	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Foster care	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Health care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Legal services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family planning	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Homemaking Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Parenting Skills	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Domestic Violence Services	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Early Intervention	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Alcohol/Substance abuse	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Child Care	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Intensive case management	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Family or others as safety resources	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Were services provided to parent(s) and other care givers to address any immediate needs related to the fatality? No

Explain:

ACS offered the parents referrals for bereavement counseling which they declined.

History Prior to the Fatality

Child Information

- Did the child have a history of alleged child abuse/maltreatment?** Yes
- Was there an open CPS case with this child at the time of death?** Yes
- Was the child ever placed outside of the home prior to the death?** Yes
- Were there any siblings ever placed outside of the home prior to this child's death?** Yes
- Was the child acutely ill during the two weeks before death?** No

CPS - Investigative History Three Years Prior to the Fatality

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
10/02/2017	Other - Subject Child on report, Female, 1 Years	Father, Male, 34 Years	Inadequate Guardianship	Pending	No
	Other - Subject Child on report, Female, 1 Years	Father, Male, 34 Years	Lacerations / Bruises / Welts	Pending	



Other - Subject Child on report, Female, 1 Years	Father, Male, 34 Years	Fractures	Pending
--	------------------------	-----------	---------

Report Summary:

The 10/2/17 report alleged on 9/28/17 (approximately) the one-year-old child sustained two bruises on her head and a skull fracture while in the care of her father. The report stated the child was on a ventilator and was brain dead. The report further alleged the explanation provided was not consistent with the injuries the child sustained, and the injuries were suspicious. As a result the father was named as the alleged subject of the report. The allegations of the report were L/B/W, FX, and IG of the one-year-old child by the father.

Determination: Undetermined

OCFS Review Results:

ACS closed the intake as duplicate and suspended the determination on this intake report. The allegations were fully investigated under the 10/3/17 fatality report.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
09/29/2017	Deceased Child, Female, 1 Years	Father, Male, 34 Years	Inadequate Guardianship	Indicated	No
	Deceased Child, Female, 1 Years	Stepmother, Female, 34 Years	Inadequate Guardianship	Indicated	
	Sibling, Male, 5 Months	Stepmother, Female, 34 Years	Inadequate Guardianship	Indicated	
	Other Child - Stepmother's child, Male, 9 Years	Stepmother, Female, 34 Years	Inadequate Guardianship	Indicated	
	Deceased Child, Female, 1 Years	Stepmother, Female, 34 Years	Fractures	Unfounded	
	Sibling, Male, 5 Months	Father, Male, 34 Years	Inadequate Guardianship	Indicated	
	Other Child - Stepmother's child, Male, 11 Years	Father, Male, 34 Years	Inadequate Guardianship	Indicated	
	Other Child - Stepmother's child, Male, 17 Years	Stepmother, Female, 34 Years	Inadequate Guardianship	Indicated	
	Other Child - Stepmother's child, Male, 11 Years	Stepmother, Female, 34 Years	Inadequate Guardianship	Indicated	
	Deceased Child, Female, 1 Years	Father, Male, 34 Years	Lacerations / Bruises / Welts	Indicated	
	Deceased Child, Female, 1 Years	Stepmother, Female, 34 Years	Lacerations / Bruises / Welts	Indicated	
	Deceased Child, Female, 1 Years	Stepmother, Female, 34 Years	Lack of Medical Care	Indicated	
	Deceased Child, Female, 1 Years	Father, Male, 34 Years	Fractures	Unfounded	
	Other Child - Stepmother's child, Male, 17 Years	Father, Male, 34 Years	Inadequate Guardianship	Indicated	



Other Child - Stepmother's child, Male, 9 Years	Father, Male, 34 Years	Inadequate Guardianship	Indicated
Deceased Child, Female, 1 Years	Father, Male, 34 Years	Lack of Medical Care	Indicated

Report Summary:

On 9/28/17, while in the care of the SF and the PS, the one-year-old SC sustained suspicious bruising to each side of her head. The explanation provided by the caretakers was inconsistent with the extent of the SC's injury. On 10/2/17, the SC was diagnosed with Diffuse Hypoxic Ischemic injury.

Between 9/29/17 and 10/1/17, ACS made contact with collaterals regarding the investigation. The information obtained by ACS revealed preliminary findings did not indicate there was trauma to the SC. The medical staff reported it was unclear how the SC sustained her injuries pending further tests.

Determination: Indicated **Date of Determination:** 01/16/2018

Basis for Determination:

ACS substantiated the allegation II, IG, L/B/W and LMC of the SC, and the allegation IG of the other four children in the home against the caretakers. The SC sustained severe head trauma on 9/29/17 and was declared brain dead on 10/3/17. The explanation provided by the SF and the PS was not consistent with the SC's injury. The SF and the PS were the caretakers of the children at the time of the incident. The SF had reported the SC fell out of her crib on 9/28/17, he did not seek medical treatment for the SC until the following day after she had a seizure. ACS unsubstantiated the allegation FX against her caretakers. The medical staff reported the SC did not have any fractures.

OCFS Review Results:

ACS conducted a thorough investigation of the report.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
05/25/2017	Deceased Child on Report, Female, 1 Years	Father, Male, 34 Years	Inadequate Guardianship	Indicated	No
	Sibling, Male, 3 Months	Father, Male, 34 Years	Inadequate Guardianship	Indicated	

Report Summary:

On 5/6/17, the SF punched the BM in the face in the presence of their 2-month and 1-year-old children. The children were not injured.

Determination: Indicated **Date of Determination:** 07/12/2017

Basis for Determination:

The SF failed to provide adequate guardianship for his children and his action placed them at risk of harm.

OCFS Review Results:

The level of casework activity for this investigation was sufficient and ACS' decision to substantiate the allegations of the report was appropriate.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
04/06/2017	Other - Newborn, Male, 5 Days	Mother, Female, 26 Years	Inadequate Guardianship	Indicated	No



Other - Newborn, Male, 5 Days	Mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Indicated
-------------------------------	--------------------------	-------------------------------	-----------

Report Summary:

The 4/6/17 report alleged the mother had a child in foster care and another child, age 1, residing with the child's father. The report stated the mother gave birth to her son on 4/1/17 and he tested positive for cocaine at birth. The roles of the father and one-year-old child were unknown. The allegations of the report were PD/AM and IG of the newborn by the mother.

Determination: Indicated **Date of Determination:** 05/26/2017

Basis for Determination:

ACS substantiated the allegations of Parent's Drug/Alcohol Misuse and Inadequate Guardianship against mother for the newborn as mother gave birth to the baby on 4/1/2017 and the baby was born with a positive toxicology for cocaine. The baby was removed from the mother and the court released the infant to the putative father.

OCFS Review Results:

The investigation of the report was initiated in a timely manner and the appropriate collaterals were contacted. The safety and Risk assessments were adequate given the circumstances of the case. Two days prior to the receipt of the report, ACS filed an Article 10 Petition of Neglect in the Manhattan Family Court naming the mother as the respondent. The newborn was removed from her care and released to the putative father. ACS re-engaged the mother in services.

ACS did not provide further justification for the decision to substantiate the allegations, thereby failing to appropriately apply the standards of abuse/maltreatment to the case circumstances; this was addressed with ACS during NYCRO's provision of Technical Assistance.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
04/03/2017	Other - Newborn, Male, 2 Days	Mother, Female, 26 Years	Inadequate Guardianship	Indicated	No
	Other - Newborn, Male, 2 Days	Mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Indicated	

Report Summary:

The report alleged the mother gave birth to a baby boy on 4/1/17 and the baby tested positive for cocaine. The report stated the mother had another child in foster care.

Determination: Undetermined

OCFS Review Results:

ACS initiated the investigation of the report in a timely manner, contacted the source of the report, and made contact with hospital where the child was born. The mother was notified of the report. After the visit to the hospital ACS contacted the mother who indicated she was surprised by the result of the newborn screen, since she had been in treatment and had not taken any drugs during her pregnancy. ACS contacted the service provider and learned the mother had not been in the program for a number of months and her last screen was on 2/22/17. ACS confirmed the mother had received some prenatal care, but was not consistent with her appointments.

On 4/4/17, ACS convened a Child Safety Conference and made the decision to seek a remand of the newborn; the petition was filed on 4/4/17 and a hearing on the matter was held on 4/5/17. ACS's Family Court Legal Services made the application for a remand to the Commissioner of ACS. The court asked the reason placement was not being considered with the father of the one year old child. ACS reported paternity was not established and that there were concerns about the father's ability to care for the children in light of an ongoing investigation which began on 3/23/17. The Attorney for



the Child expressed surprise as the court was not aware of the new report and had, on 4/2/17, adjourned the case of the one-year-old child in contemplation of dismissal. The court ordered the newborn to be released to the father of the one-year-old child.

On the same date, the SC was picked up from the Children's Center and taken to the father's shelter apartment. ACS provided the family a double stroller and offered the father referrals for homemaking services, day care services and a "Daddy and me" program. The newborn was referred for Early Intervention services.

The court also ordered the father to comply with ACS, preventive services, and submit to random drug screens.

On 4/8/17, ACS closed the intake stage as duplicate and suspended the determination.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
03/23/2017	Sibling, Male, 7 Days	Mother, Female, 26 Years	Inadequate Guardianship	Indicated	Yes
	Deceased Child, Female, 1 Years	Father, Male, 34 Years	Inadequate Guardianship	Unfounded	
	Deceased Child, Female, 1 Years	Father, Male, 34 Years	Choking / Twisting / Shaking	Unfounded	
	Sibling, Male, 7 Days	Mother, Female, 26 Years	Parents Drug / Alcohol Misuse	Indicated	

Report Summary:

The SF physically abused his 1-year-old daughter when he became overwhelmed. The SF had choked the child and slapped her in the face but the child did not sustain any visible injuries. The BM was not permitted to see the child unless it was supervised by ACS. The allegations of the report were C/T/S, PD/AM, and IG of the child by the father.

Determination: Indicated

Date of Determination: 05/22/2017

Basis for Determination:

ACS substantiated the allegation PD/AM and IG against the BM. On 4/1/17, the BM gave birth to the SS who was born with a positive toxicology for cocaine. ACS did not find sufficient evidence to substantiate the allegations IG and C/T/S against the SF. The child was not observed with any signs of trauma and was observed to be free from visible marks or bruises during ACS' visits to the home. The SF denied he would ever resort to physical abuse of his child. Also, several collaterals such as service providers, relatives, and others involved with the family and the child, denied observing the child with any injuries or bruises. The BF was providing the child with her basic needs.

OCFS Review Results:

ACS conducted a thorough investigation of the report. Although ACS sought a remand of the child prior to this report, the KCFC judge released the child to the father and ordered supervision of the family by ACS. On 4/5/17 ACS went to court to seek a remand of the mother's newborn child, and mentioned concerns about the father's ability to care for the children in light of the 3/23/17 report. The Attorney for the Child indicated the court was not aware of the new report or the pending investigation, and had approved an Adjournment in Contemplation of Dismissal for the one-year-old child who was residing with the father.

Are there Required Actions related to the compliance issue(s)? Yes No

Issue:

Assessment as to need for Family Court Action

Summary:



Although there was COS for the father's home and there was a new report alleging physical abuse of the one year old child, ACS did not inform the court of the existing case. As a result the court approved an Adjournment in Contemplation of Dismissal

Legal Reference:

SSL 424.11; 18 NYCRR 432.2(b)(3)(vi)

Action:

The Administration for Children’s Services must submit a performance improvement plan within 45 days that identifies what action it has taken or will take to address the issue(s) noted.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
10/27/2016	Deceased Child, Female, 8 Months	Grandparent, Male, 77 Years	Inadequate Food / Clothing / Shelter	Unfounded	Yes
	Deceased Child, Female, 8 Months	Father, Male, 33 Years	Inadequate Food / Clothing / Shelter	Indicated	
	Deceased Child, Female, 8 Months	Aunt/Uncle, Male, 20 Years	Inadequate Food / Clothing / Shelter	Unfounded	
	Deceased Child, Female, 8 Months	Father, Male, 33 Years	Inadequate Guardianship	Indicated	

Report Summary:

The 10/27/16 report alleged the father left the eight-month-old child in soiled diapers for long periods of time and as a result, the child had rashes with open sores that were bleeding. The report further alleged the father was not treating the rashes. Additionally, the home was infested with roaches and the father, grandfather, and uncle were not addressing the conditions of the home. The report stated on 10/27/16, the father did not dress the child appropriately for the weather; the child was wearing a hooded sweatshirt and blanket despite the freezing temperature. The mother had an unknown role.

Upon receipt of the report ACS's ECS made a visit to the home and documented the family resides in a NYCHA apartment. The home was cluttered with various bags of clothing and other items piled on top of each other in the living room. The child had a playpen located in the living room. The CPS documented there was an infestation of roaches in the home; there were roaches crawling over child’s carriage and other objects in the home. The CPS observed that the father had cans of Enfamil, Gerber infant formula, and baby food for the child. There was a smoke detector in a plastic bag on the table; the father said the smoke detector was working. The father denied smoking in the home despite CPS observing ashes in tin foil on the table. When asked about the condition of the home the father indicated he had just tidied up the home. The father also stated the NYCHA was addressing the issue of the roaches; however, there was no contact with NYCHA representatives to confirm the information.

The CPS documented the child was observed with a "mild" case of diaper rash, for which the father had over-the-counter medication. The father said the child had the rash for two days. The CPS advised the father to take the child to the doctor. The CPS also provided information to the father regarding the need to frequently change the child's diapers.

The CPS made contact with agency staff and learned in the past the agency had observed, at a sibling visit, roaches crawling from the child's diaper bag and carriage. Mercy First agency staff had also noticed diaper rash and what appeared to be bites on the child. The documentation did not reflect what actions the agency took to address the conditions noted.

During the investigation, the CPS confirmed the mother was five months pregnant and was carrying a male child.



On 11/10/16, the father and child moved into a new shelter apartment. The father also received a new stroller and pack and play for the child. ACS made visits to the home and spoke with the case manager at the shelter. The manager had no concerns about the family's living situation.

The safety assessments were adequate for this report. The case documentation also reflected the parents and other adults in the home were notified of the existence and indication of the report.

Determination: Indicated

Date of Determination: 12/28/2016

Basis for Determination:

The SF's home was assessed to be roach infested during ACS' assessment. There were also roaches in the child's crib and diaper bag. The SF failed to ensure that the home was roach free and not hazardous for his daughter. He was offered but declined to seek alternative housing through PATH/EAU since February 2016. ACS unsubstantiated the allegations Inadequate Food, Clothing, and Shelter against the PGF and the PU. The two paternal relatives were not persons legally responsible for the child's care.

ACS documented based on information gathered and collateral account obtained during the course of the investigation, there was credible evidence to substantiate the allegations of Inadequate Food, Clothing, and Shelter and Inadequate Guardianship of the child by the father. ACS documented the father failed to ensure a safe home environment for the child as the home where the father and child resides was cluttered and roach infested. Additionally, ECS/CPS observed child had a diaper rash as reported.

ACS unsubstantiated the allegation of Inadequate Food, Clothing, and Shelter against both the paternal grandfather and the paternal uncle regarding subject child as they were not the primary caretaker to the child and did not have legal responsibility for the child.

OCFS Review Results:

The level of casework activity for this investigation was sufficient as ACS made contacts with relevant collaterals and conducting several visits to the BF's shelter. The case remains open in FSS for continued service and court involvement.

Are there Required Actions related to the compliance issue(s)? Yes No

Issue:

Mandated reporters did not report potential abuse or maltreatment of a child

Summary:

The Mercy First agency staff observed the child dirty, and roaches crawling from her stroller and suspected the father was not providing adequate care for the child; however, the agency staff did not report concerns to the SCR or to ACS.

Legal Reference:

SSL 413 and 415

Action:

ACS must submit a PIP within 45 days that identifies the action the agency has taken or will take to address the citations identified in this report. ACS must meet with the staff involved with this investigation and inform NYCRO of the date of the meeting, who attended and what was discussed.

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
08/09/2016	Deceased Child, Female, 6 Months	Father, Male, 33 Years	Inadequate Guardianship	Indicated	No
	Deceased Child, Female, 6 Months	Father, Male, 33 Years	Lack of Medical Care	Indicated	



Deceased Child, Female, 6 Months	Father, Male, 33 Years	Parents Drug / Alcohol Misuse	Indicated
Deceased Child, Female, 6 Months	Father, Male, 33 Years	Lacerations / Bruises / Welts	Unfounded

Report Summary:

The intake report alleged the SF abused alcohol, marijuana and crack cocaine to impairment while caring for his 6-month-old daughter. The SF also had anger problems and would become angry with the child. He would hit the child using excessive force causing the child to sustain bruises to her legs. The SF had temporary custody of the child.

ACS initiated the report in a timely manner and assessed the safety of the six-month-old child. During the investigation ACS learned the father who had previously only tested negative for marijuana use had tested positive for cocaine during the month of May and had stopped attending the substance abuse treatment program. Additionally, ACS learned the six-month-old child had missed medical appointments. ACS also made a number of visits to the home. The case documentation reflected the home was cluttered in spite of "improvements," and based on the observation of the home, a decision was made at the ICSC to amend the existing petition against the mother to include the father. ACS considered a remand of the child; however, at the court ACS agreed to "parole" the child to the father with the conditions that the father had to provide healthy meals for the child, keep the child's medical appointments, re-engage with substance abuse services, and continue with PPRS services. COS would continue with weekly visits to the home.

ACS made a number of collateral contacts and learned of the father's engagement with service providers.

ACS staff observed the six-month-old child to be without marks and bruises and could not find any evidence to support the allegation that the father hit the child leaving marks and bruises. The safety decisions recorded for this report were adequate.

ACS learned of the possibility of domestic violence between the parents; however, there was no exploration of this information. Also, ACS learned the mother was pregnant but did not follow-up on the information.

Determination: Indicated **Date of Determination:** 10/04/2016

Basis for Determination:

On 5/3/16 and 5/7/16, the SF tested positive for cocaine while caring for the infant. Also, the SF reported due to the infant's medical appointments and needs, he had been unable to attend substance treatment program. He disengaged from services on 6/21/16. Additionally, the child's medical record revealed she had missed several immunizations.

ACS did not find any credible evidence to substantiate the allegation L/B/W against the SF. ACS assessed the infant and deemed her safe with her SF. The family's CP who made routine visits to the home also deemed the child safe in the home. The SF was often observed interacting appropriately with the infant.

OCFS Review Results:

ACS conducted the investigation appropriately. The Specialist made contacts with relevant collaterals who provided pertinent information about the care the SF provided his daughter.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
02/20/2016	Deceased Child, Female, 1 Days	Father, Male, 33 Years	Inadequate Food / Clothing / Shelter	Indicated	No
	Deceased Child, Female, 1 Days	Mother, Female, 25 Years	Inadequate Food / Clothing / Shelter	Indicated	



Child Fatality Report

Deceased Child, Female, 1 Days	Mother, Female, 25 Years	Inadequate Guardianship	Indicated
Deceased Child, Female, 1 Days	Father, Male, 33 Years	Inadequate Guardianship	Indicated

Report Summary:

On 2/20/16, ACS received a report indicating the BM gave birth to the SC and because the BM had a 4-year-old son in kinship foster care at the time, there was concern regarding the care the BM could provide the child.

Determination: Indicated

Date of Determination: 04/20/2016

Basis for Determination:

ACS documented due to the BM's open Article Ten petition and her failure to engage in and benefit from services to eliminate the risk of harm, the SC was neglected. Also, the BF was aware of the birth of the SC; however, his living condition was deemed hazardous to the safety of the SC upon discharge. The BF was offered a referral to seek alternative housing through PATH/EAU to ensure the safety and wellbeing of the SC but he refused. The BF lacked insight and did not see anything wrong with having his newborn in an unsafe home environment.

OCFS Review Results:

The conditions of the home to which the newborn was discharged was not appropriate; however, the case documentation reflected the Court ordered the child to be placed with the father. The father was referred to New Directions agency and to CASAC.

Are there Required Actions related to the compliance issue(s)? Yes No

Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
06/02/2014	Sibling, Male, 2 Years	Mother, Female, 23 Years	Inadequate Food / Clothing / Shelter	Indicated	No
	Sibling, Male, 2 Years	Mother, Female, 23 Years	Inadequate Guardianship	Indicated	
	Sibling, Male, 2 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Indicated	

Report Summary:

The BM continued to use crack which prevented her from providing adequate care and a stable home for her 2-year-old son. She also had clinical health issues which was not being addressed, and had stopped taking her needed medication.

Determination: Indicated

Date of Determination: 07/01/2014

Basis for Determination:

The BM did not have stable housing. Also, she disclosed she had a nervous breakdown and needed to get herself together. She admitted she used cocaine and marijuana and tested positive for the two substances.

OCFS Review Results:

The level of casework activity for this investigation was sufficient and ACS' decision to substantiate the allegations of the report was appropriate.

During the investigation, ACS filed an Article 10 Petition of Neglect in Family Court on behalf of the child. The Court granted the removal and released the child to the MGA under ACS supervision. The Court also granted a temporary order of protection against the BM, on behalf of the child, subject to court ordered visitation. ACS supervised the child's visits with the BM and did not document any concerns. The BM had enrolled at New Directions program and she was adhering to the program requirements. The SC received EI screening and the results showed there were no concerns regarding her development. The child was referred for a speech evaluation.

Are there Required Actions related to the compliance issue(s)? Yes No



Date of SCR Report	Alleged Victim(s)	Alleged Perpetrator(s)	Allegation(s)	Status/Outcome	Compliance Issue(s)
03/30/2014	Sibling, Male, 2 Years	Mother, Female, 23 Years	Inadequate Guardianship	Indicated	No
	Sibling, Male, 2 Years	Mother, Female, 23 Years	Parents Drug / Alcohol Misuse	Unfounded	
	Sibling, Male, 2 Years	Mother, Female, 23 Years	Lack of Medical Care	Indicated	

Report Summary:

The BM was a heroin addict who frequently used the substance while caring for her 2-year-old son. She was often too impaired to care for the child as the child went without eating and was left in soiled diapers. The BM used all her money and resources to buy drugs and prostituted herself to support her drug habit. She also allowed other adults to use drugs in the presence of her son.

Determination: Indicated**Date of Determination:** 05/30/2014**Basis for Determination:**

The BM moved from place to place and did not have stable housing. Also, she disclosed she had a nervous breakdown and needed to get herself together. Additionally, there was no record that indicated the child received medical care at the medical facility as reported by the BM. The collaterals stated the BM was not following up with her son's medical care.

ACS did not find credible evidence to substantiate the allegation PD/AM. The BM denied drug use and did not make herself available for a drug assessment. The collaterals did not report the BM used drugs.

OCFS Review Results:

ACS conducted the investigation appropriately. ACS made contacts with relevant collaterals and several face-to-face contacts with the BM despite the BM not having stable housing. After the BM admitted she used crack and disclosed she had suicidal thoughts, she arranged for her child to reside with the MGA. On 5/28/17, ACS visited the child at the MGA's home and deemed him safe in the home. ACS opened the Family Services Stage (FSS) of the case on 5/29/14.

Are there Required Actions related to the compliance issue(s)? Yes No

CPS - Investigative History More Than Three Years Prior to the Fatality

The SM was known as a subject in three reports dated 3/6/09, 6/29/11 and 4/6/12. The three reports were indicated. The allegations of the reports were EN, IG, LMC, EXCP, L/B/W, and PD/AM.

The BM was known as a subject in a report dated 10/7/13. The report was indicated on 12/5/13. The allegations of IG was substantiated.

Known CPS History Outside of NYS

The family did not have any known CPS history outside of New York State.

Services Open at the Time of the Fatality

Was the deceased child(ren) involved in an open preventive services case at the time of the fatality? Yes

Date the preventive services case was opened: 05/30/2014

Was the deceased child(ren) involved in an open Child Protective Services case at the time of the fatality? Yes

Date the Child Protective Services case was opened: 05/30/2014



Evaluative Review of Services that were Open at the Time of the Fatality

	Yes	No	N/A	Unable to Determine
Was there information in the case record that indicated the existence of behaviors or conditions that placed the children in the case in danger or increased their risk of harm?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Family Assessment and Service Plan (FASP)

	Yes	No	N/A	Unable to Determine
Was the most recent FASP approved on time?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was there a current Risk Assessment Profile/Risk Assessment in the most recent FASP?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was the FASP consistent with the case circumstances?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Closing

	Yes	No	N/A	Unable to Determine
Was the decision to close the Services case appropriate?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Provider

	Yes	No	N/A	Unable to Determine
Were Services provided by a provider other than the Local Department of Social Services?	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Additional information, if necessary:

The BF attended after care, including drug screenings at New Directions and PPRS at the Jewish Child Care Association agency. Also, the BM was enrolled at New Directions program and she adhered to the program requirements. She attended scheduled sessions, completed parenting education and participated in anger management, individual and group therapy.

Required Action(s)

Are there Required Actions related to compliance issues for provisions of CPS or Preventive services ?

Yes No

Issue:	Required data and official documents
Summary:	The one-year-old child's track in the Welfare Management System (WMS) has not been updated to reflect the child's death, although the child died since 10/3/17. No entry to this record has been made since 7/15/17.
Legal Reference:	428.3(b)(2)(i)



Action:	ACS must submit a PIP within 45 days that identifies the action the agency has taken, or will take, to address the citations identified in the report. ACS must meet with the staff involved with this investigation/family and inform NYCRO of the date of the meeting, who attended and what was discussed.
----------------	---

Preventive Services History

Between 4/30/09 and 11/26/12, the SM and her three male children received services under the supervision of SCO Family of Services preventive services program. The service case was closed due to family relocation to Norfolk, Virginia. The 10/18/12, the Plan Amendment reflected the family was still in need of mental health counseling and parenting education. CCRS reflects the SM's three children's records as – closed - moved from district.

Between 5/29/14 and 7/15/17, the BM received PPRS services at New Directions program and she adhered to the program requirements. She attended scheduled sessions, completed parenting education and participated in anger management, individual therapy, group counseling and random drug screening. She tested negative for illicit substances. She had supervised visitation at ACS office.

The BF signed for preventive services on 4/5/16. He attended after care, including drug screenings at New Directions and PPRS at the Jewish Child Care Association agency's, Family Treatment Rehabilitation program. The PPRS services were put in place to address the father's drug use, and poor living conditions, in addition to providing parenting support. The SC received EI screening and there were no concerns regarding her development. The SC's medicals and immunizations were current.

On 9/19/17 at 11:00 AM, the SW observed the BF, SC, and SS at the shelter and later at the ACS office. The SW noted there were no safety concerns. The family's services case was still open at the time of the fatality.

Foster Care Placement History

On 6/3/14, ACS filed an Article 10 Petition of Neglect in Family Court. The allegations were IF/C/ S, IG and PD/AM of the BM's 5-year-old child by the BM. This child was remanded to the care and custody of the Commissioner of ACS and placed in foster care. He resided with the maternal great aunt (MGA). The BM was granted ACS supervised visits with this child. The petition was dismissed on 4/20/17. The child was discharged from foster care and released to the PGA – KINGAP discharge with subsidy. The mother's other child was released to the father of that child.

On 2/23/16, ACS filed an Article 10 Petition of Neglect in Family Court on behalf of the SC. The court released the SC to the BF with Court Ordered Supervision in March 2016. There was an order of protection granted against the BM on 2/23/16. The BM was only allowed supervised visitation with her children. The BF accepted services with Jewish Child Care Association. The case records reflect the case was in adjournment in contemplation of dismissal status on 4/3/17.

On 4/1/17, the BM gave birth to the SS. The SS was born with a positive toxicology for cocaine. During a Family Court hearing, the Court released the SS to the BF with ACS supervision.

Legal History Within Three Years Prior to the Fatality

Was there any legal activity within three years prior to the fatality investigation?
 Family Court Criminal Court Order of Protection



Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
02/23/2016	Adjudicated Abused	Adjourned in Contemplation of Dismissal (ACD)
Respondent:	044367 Mother Female 27 Year(s)	
Comments:	ACS filed an Article Ten Petition of Neglect on 2/23/16 on behalf of SC. The Court released the SC to the BF with Court Ordered Supervision (COS) in March 2016. There was an order of protection granted against the BM on 2/23/16. The BM was only allowed supervised visitation with her children. The BF accepted services with Jewish Child Care Association. CCRS records reflect the case was in adjournment in contemplation of dismissal status on 4/3/17.	

Family Court Petition Type: FCA Article 10 - CPS		
Date Filed:	Fact Finding Description:	Disposition Description:
04/04/2017	There was not a fact finding	There was not a disposition
Respondent:	044367 Mother Female 27 Year(s)	
Comments:	On 4/1/17, the BM gave birth to the SS who was born with a positive toxicology for cocaine. On 4/4/17, ACS filed an Article Ten Petition of Neglect in Family Court against the BM. During a Family Court hearing, the Court released the SS to the BF with ACS supervision.	

Have any Orders of Protection been issued? Yes	
From: 05/25/2017	To: Unknown
Explain: There was an incident involving the mother and father of the 1 year old SC. The father was arrested on 5/24/17 and was released on 5/25/17 at 7:30pm. The father received a full stay away OOP against mother and a limited OOP for the children.	
From: 02/23/2016	To: Unknown
Explain: ACS filed an Article Ten Petition of Neglect on 2/23/16 on behalf of SC. The Court released the SC to the BF with Court Ordered Supervision (COS) in March 2016. There was an order of protection granted against the BM on 2/23/16. The BM was only allowed supervised visitation with her children. The BF accepted services with Jewish Child Care Association (JCCA).	

Recommended Action(s)

Are there any recommended actions for local or state administrative or policy changes? Yes No

Are there any recommended prevention activities resulting from the review? Yes No